

POLICY AND PROCEDURE	
TITLE: Public Records Act Requests	
PRIMARY DEPARTMENT: Compliance	POLICY #: CMP18
IMPACTED DEPARTMENT(S):	
<input type="checkbox"/> Administration <input type="checkbox"/> Claims <input type="checkbox"/> Compliance <input type="checkbox"/> Customer Service <input type="checkbox"/> External Affairs <input type="checkbox"/> Facilities <input type="checkbox"/> Finance	<input type="checkbox"/> Human Resources <input type="checkbox"/> Information Technology <input type="checkbox"/> Marketing <input type="checkbox"/> Medical Management <input type="checkbox"/> Provider Networks <input type="checkbox"/> Project Management <input checked="" type="checkbox"/> ALL
EFFECTIVE DATE: 09/01/15	REVIEW/REVISION DATE: 06/17, 11/18, 11/21
COMMITTEE APPROVAL DATE: 09/15, 06/17 PRC: 02/2019, 01/22 Compliance: 03/2019	RETIRE DATE:
PRODUCT TYPE: Medi-Cal	REPLACES:

I. PURPOSE

The Health Plan of San Joaquin (HPSJ) is dedicated to providing information to the public which illuminates its operations and also protects against disclosure of confidential information. Accordingly, this policy addresses requests for records and information made by the public about HPSJ's business and operations pursuant to the California Public Records Act (PRA) and its exemptions.

II. POLICY

- A. The HPSJ shall provide access to non-exempt, disclosable, public records in the custody and control of HPSJ to any person requesting such records in accordance with the California Public Records Act (PRA) (Government Code section 6250 et seq.).
- B. To ensure accuracy and efficiency in responding to a request for public records, HPSJ offers various venues for all requests to be submitted in the following methods and conditions:
 1. Requests can be submitted in writing by fax or electronic mail to Compliance1@hpsj.com.

2. Requests can be submitted using the Access Health Information Form available for download on www.hpsj.com (HPSJ's public website). A copy of the form may also be requested by mail, fax or a phone call using the information published under the "Contact Us" section of the www.hpsj.com web site.
 3. Requests may also be made orally, by telephone or in person at a public counter in one of our offices located in 7751 South Manthey Road, French Camp, CA 95231-9802 and 1025 J Street, Modesto, CA 95354.
 4. Requestors do not need to disclose their identity, or why they want the records.
 5. Requests must reasonably describe an identifiable record so that HPSJ can decipher what records are being requested. However, specific and focused requests facilitate prompt disclosure.
- C. HPSJ records may be inspected during regular business hours. If HPSJ needs to locate the records, gather them for inspection and redact information prior to disclosure, an appointment to inspect the records may be necessary. In lieu of providing inspection access at HPSJ's offices, HPSJ may post the public record on its website and direct the requestor to its website. If the requestor is unable to access the website, HPSJ will produce any nonexempted records.
- D. When copies of records are requested, HPSJ generally has 10 calendar days to determine whether it will comply with the request and notify the requestor of its determination. However, it is not required to fulfill the request within the 10 days. HPSJ may extend the 10-day period by an additional 14 days if there is a need to:
1. Communicate with field offices.
 2. Examine voluminous records
 3. Construct computer reports
- If HPSJ cannot provide the records during the time for making the determination, it will provide a good faith estimate of when the records will be available.
- E. Exemptions:
1. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.
 2. Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been

finally adjudicated or otherwise settled

3. Personnel, medical, or similar records, the disclosure of which would constitute an unwarranted invasion of personal privacy. This includes personal information required by the employer.
4. Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision(b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, this subdivision does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.
5. Information Technology Systems Security Records when they reveal vulnerabilities to attack or would increase the potential for an attack on HPSJ's security system.
6. Any records involving attorney-client privilege, attorney work product including legal advice and impressions and conclusions of HPSJ's attorneys.
7. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code.
8. Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

9. Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit applied for.
10. Records of state agencies related to activities governed by Article 2.6 (commencing with Section 14081), Article 2.8 (commencing with Section 14087.5), and Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, records involved in a decision making process or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.
11. Official Information: HPSJ may refuse to disclose official information which is defined as information acquired in confidence by a public employee in the course of their duty.
12. Disclosure of the rates of payment for health care services or the commission's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services for rates of payment, until three years after the agreement is executed.

F. Fees (Government Code 6253(b)).

1. Cost of reproducing records may be charged as follows: Copies: \$0.10 per page, \$5.00 per CD or DVD
2. Special requests that require computer programming, perform data extraction, or construct a custom report: requestor can be charged for the actual cost of time HPSJ spends on the project, as well as the cost of any special supplies or services used. The internal cost of the IT developer rate will be based on the ongoing hourly rate at the time of the request. The fee is to be collected before HPSJ commences with work.
3. HPSJ shall not collect any fees for on-site inspection per Government Code Section 6253. Fees cannot be collected for HPSJ staff time to search, review, or redact records pursuant to PRA requests.

III. PROCEDURE

A. FULFILMENT:

HPSJ will fulfill public record requests pursuant to the California Public Records Act (PRA) as outlined in this policy.

B. PRA CCORDINATOR:

Staff are directed to forward the request as soon as practicable to the PRA

Coordinator. The PRA Coordinator shall be responsible for addressing and tracking PRA requests and coordinating the identification of records sought and providing a response to the requestor.

C. PROCESSING PUBLIC RECORDS ACT REQUESTS:

Upon receipt of a PRA request, the PRA Coordinator should take the following actions:

1. **Log and Track the Request:**

The PRA Coordinator shall log and track all PRA requests received by HPSJ in a format designed ensure proper compliance with the PRA as well as accountability.

2. **Review:**

The PRA Coordinator shall conduct an initial review of each PRA request to determine whether it is sufficiently certain to enable a response. If a PRA request is uncertain or ambiguous, the PRA Coordinator should either (i) contact the requesting person to ascertain the nature and scope of the request, or (ii) identify the presumed nature and scope of the request in the written response (to allow the requesting person to understand how the request was interpreted and to follow up on it if desired).

3. **Locate Documents:**

The PRA Coordinator acts as the point person in locating and gathering the non-exempt documents sought in the PRA request.

4. **Prepare PRA Response:**

The PRA Coordinator will provide a written response to the person submitting the PRA request within 10 calendar days of its receipt (see Government Code § 6253(a)). The written response should state which categories of records will be disclosed and which categories of records (or portions thereof) are exempt from disclosure. The PRA Coordinator may contact HPSJ's Legal Counsel to determine the scope of any exemptions under the PRA and whether they apply in a particular instance.

5. **Additional Time for Response:**

If unusual circumstances render it impracticable to respond to a PRA request within the 10-calendar-day requirement, then the PRA Coordinator should send a letter to the requesting person indicating that up to an additional 14 days may be needed to respond to the PRA request (per Government Code § 6253(c)). Unusual circumstances include:

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
3. The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

6. **Disclose Records:**

Generally, records to be provided in response to a PRA request shall be given in the format in which HPSJ holds the information. The PRA also contains certain requirements regarding the production of records in electronic format, as follows.

1. **Electronic Format:**

Generally, if a requesting person asks for the information to be produced in an electronic format, then HPSJ should comply with the request if practicable. However, if doing so requires programming or computer services, then the requesting person shall pay the cost of such services. In no event shall proprietary software be disclosed in response to a PRA request.

2. **Records on Website:**

Requested records may be provided on HPSJ's website, and the requesting person may be directed to the location on the Internet where the record is posted. If the requesting person is unable to access the Internet or reproduce a copy from the website, then the HPSJ shall provide a hard copy of the record pursuant to the terms of this policy.

7. **If a request is not specific and focused, HPSJ staff can:**

1. Assist the requester to identify public records that are responsive to the request or to the purpose of the request;
2. Describe the information technology or physical location in which the public records exist, and;
3. Provide suggestions for overcoming any practical barriers to disclosure of the public records sought. Required by Government Code Section 6253.1. HPSJ does not supplement responses to previous requests when new records are created or received. A separate request must be submitted each time records are sought.
4. HPSJ will not create records in response to a PRA request or to

produce documents pursuant to the request.

5. If there are records that are responses to a PRA request, but the records are not required or not allowed to be released, HPSJ must explain that the record is exempt from disclosure or that the public interest in keeping the record is exempt from disclosure or that the public interest in keeping the records confidential outweighs the public interest in disclosing the records In accordance with Government Code Section 6255.
6. Confidential information including social security numbers and other protected Health Information pursuant to HIPAA should never be disclosed or released.
7. Once the records to be pulled are identified, inform the requestor of the cost of the copies (if any).
8. Produce the full or redacted records that are responsive to the request with template letter indicating that the request has been fulfilled.
9. HPSJ will make records available by, electronic form, hardcopy, CD, or DVD in accordance with Government Code 6253.9(e).

IV. ATTACHMENT(S)

- A. HPSJ Request to Access Health Information Form.

V. REFERENCES

- A. 45 CFR Part §160 and §164 HIPAA
- B. California Education Code Section 99150 et. seq.
- C. California Government Code Section 810 et. seq.
- D. California Government Code Section 6250 et seq.
- E. California Government Code Section 13951.
- F. Welfare and Institutions Code Section 14081 et. seq.
- G. Welfare and Institutions Code Section 14087.5 et. seq.

VI. REGULATORY AGENCY APPROVALS

Not Applicable

VII. REVISION HISTORY

STATUS	DATE REVISED	REVISION SUMMARY
Revised	11/07/18	Updated P&P to place in new template and for clarity.
Revised	12/01/2021	Updated P&P

STATUS	DATE REVISED	REVISION SUMMARY
Edited	12/02/2021	Edited the document to be consistent with other P&P formats. Made edits to policy and created the procedure sections.